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E.O. 12356: DECL OADR
TAGS: CASC, SHUM, PE
SUBJECT: LURIGANCHO HOSTAGE CASE: JUSTICE MINISTRY REPORT

REF A) 83 LIMA 13606

1. C - ENTIRE TEXT.

2. IN A JANUARY 10 MEETING WITH CHARGE AND VISITING CODEL SOLARZ, INTERIOR MINISTER PERCOVICH RENEWED PLEDGE TO PROVIDE EMBASSY "SOON" WITH INFORMATION BASED ON COMBINED REPORT ON LURIGANCHO CASE GIVEN HIM BY THREE SEPARATE NATIONAL POLICE SERVICES. TO DATE, INFORMATION FROM THIS COMBINED POLICE REPORT APPEARS NOT RPT NOT TO HAVE INSPIRED ANY PRESS STORIES.

3. IN MEANTIME, EMBASSY HAS OBTAINED (FROM OTHER THAN GOP SOURCES) COPIES OF TWO OTHER OFFICIAL REPORTS ON CASE: (CRIMINAL INVESTIGATION) DISTRICT ATTORNEY'S REPORT AND (ADMINISTRATIVE INVESTIGATION) JUSTICE MINISTRY REPORT. EMBASSY COMMENTS ON CRIMINAL INVESTIGATION TO FOLLOW SEPT. OUR ANALYSIS OF JUSTICE MINISTRY DOCUMENT FOLLOWS.

4. MINISTRY-PREPARED CRITIQUE CONSISTS OF THREE-PART REPORT ("FACTZ," "CLARIFICATIONS," AND "RECOMMENDATIONS"), WITH AN EXTRACT OF TESTIMONY FROM INTERVIEWED WITNESSES ATTACHED. THIS REPORT FOCUSES ALMOST EXCLUSIVELY ON EVENTS TRANSPIRING INSIDE LURIGANCHO JAIL PREMISES ON, AND IN PERIOD LEADING UP TO, DECEMBER 14 (I.E., IT EXCLUDES DISCUSSION OF SHOOTING, WHICH OCCURRED OUTSIDE JAIL GROUNDS AND BEYOND JUSTICE MINISTRY'S JURISDICTION).

5. AS ITS MOST SALIENT CONCLUSION, THE "CLARIFICATIONS" SECTION ABSOLVES JUSTICE OFFICIALS OF RESPONSIBILITY FOR THE SHOOTING ("IT IS CLEAR THAT PENITENTIARY AUTHORITIES AT NO TIME GAVE THE ORDER TO FIRE..."). IT ALSO ASSERTS THAT ESCAPE ATTEMPT WAS PLANNED SOME TWO WEEKS BEFORE IT OCCURRED, WITH WORD OF THESE PLANS COMING TO THE ATTENTION OF SOME JAIL OFFICIALS. NEVERTHELESS, THESE OFFICIALS "DID NOT TAKE ANY KIND OF PREVENTIVE MEASURES, PARTICULARLY IN REGARD TO RESTRICTING THE NUNS' ACCESS OR CONTROLLING THEIR MOVEMENTS (INSIDE THE JAIL)."

6. EIGHT LISTED "CLARIFICATION," TRANSLATED BELOW IN ITS ENTIRETY, PROVIDED TEXTUAL BASIS FOR DEROGATORY PRESS

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COMMENT ON NUNS REPORTED REFTEL:

--"IT IS EVIDENT THAT THE PERMISSIVE ATTITUDE DISPLAYED BY THE GROUP OF NUNS TOWARD SOME OF THE PRISONERS INVOLVED IN THIS CASE, NOTWITHSTANDING THEIR DANGEROUSNESS, HAD CONSIDERABLE INFLUENCE ON THE OCCURENCE OF THIS INCIDENT; THESE CONCESSIONS CREATED PROBLEMS BY INFRINGING THE SECURITY REGUALTIONS ESTABLISHED BY PRISON AUTHORITIES."

7. "RECOMMENDATIONS" SECTION URGES (A) OPENING AN INTERNAL DISCIPLINARY INVESTIGATION AGAINST SEVERAL PERSONS, INCLUDING PENAL ESTABLISHMENTS DISTRICT MIGUEL GONZALEZ DEL RIO, PRISONS INSPECTOR ARMANDO CASTRILLON, LURIGANCHO JAIL DIRECTOR MIGUEL CASTRO CASTRO, AND SEVERAL LOWER RANKING PRISON OFFICIALS; AND (B) FORMULATION OF (NEW) STRICTER SECURITY MEASURES IN REGARD TO THE PRESENCE IN PENAL INSTITUTIONS OF MEMBERS OF RELIGIOUS ORDERS.

8. COMMENT: TEXT CITED PARA. 6 IS DELIBERATELY VAGUE IN ITS REFERENCE TO NUNS' "PERMISSIVE" BEHAVIOR TOWARD "SOME OF THE PRISONERS," A SUGGESTION UNSUPPORTED EITHER BY FACTS OR A DEFINITION OF WHAT JUSTICE AUTHORITIES CONSIDER "PERMISSIVE." WORDING FALLS SHORT OF DEFAMATORY PRESS COMMENT THAT APPEARED DEC. 29. WE UNDERSTAND, HOWEVER, THAT PRESS STORIES WERE INSPIRED BY ORAL REMARKS MADE BY JUSTICE VICE MINISTER FEDERICO TOVAR FREYRE WHEN HE BRIEFED PRESS ON REPORT.

9. EMBASSY IS POUCHING SPANISH LANGUAGE COPY OF TEXT TO DEPARTMENT (ARA/AND).

OGDEN

END OF MESSAGE

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